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RECOMMENDATION SUBMITTAL

DATE: June 18, 2015

TO: Catherine Payne, Chairperson

FROM: Tom Hutton, Executive Director

AGENDA ITEM: Action on Timeline for 2015-2016 Application Cycle for New Charter Schools and Forgoing 2016-2017 Application Cycle

I. DESCRIPTION

Applications Committee recommendation to (1) adopt the proposed general timeline for the 2015-2016 charter application cycle; and (2) forgo what would be the 2016-2017 charter application cycle.

II. AUTHORITY

Charter School Applications: Pursuant to §302D-5(a), Hawaii Revised Statutes (“HRS”), “[a]uthorizers are responsible for executing the following essential powers and duties: . . . (1) Soliciting and evaluating charter applications; (2) Approving quality charter applications that meet identified educational needs and promote a diversity of educational choices; [and] (3) Declining to approve weak or inadequate charter applications[.]”

Section 5 of Senate Bill 831 SD2 HD1 CD1, which staff anticipate the Governor will sign into law without issue, would amend §302D-13(f), HRS, to state, “In reviewing charter applications under this section, an authorizer shall develop a schedule to approve or deny a charter application by the end of the calendar year prior to the opening year of the proposed charter school for purposes of meeting any deadlines to request funding from the [L]egislature; provided that nothing in this section shall be construed as requiring an authorizer to accept and review charter applications annually.”

III. BACKGROUND

While the multiphase approach of the 2014-2015 application cycle appears to be working as intended, some Commissioners have voiced interest in releasing the Request for Proposals (“RFP”) earlier, in order to allow applicants more time to develop their applications.

Additionally, staff is designing a process for the charter contract renewals during the 2016-2017 school year, and there are some serious concerns about the Commission's capacity to simultaneously undergo this newly established renewal process for all existing charter schools and a charter application cycle.

IV. DECISION MAKING STATEMENT

Because the current application process appears to be working well, staff examined ways to adjust the current timeline to accommodate an earlier release of the RFP for the next application cycle in 2015-2016. The proposed estimated timeline is attached as **Exhibit A**. Dates are general, and staff will present a more finalized version to the Applications Committee with a revised RFP for the 2015-2016 application cycle in the coming months.

There are two notable changes proposed for the 2015-2016 application cycle timeline:

1. While the deadline for the Initial Proposal is almost two weeks earlier, the RFP will be released about one month earlier than in the 2014-2015 cycle, allowing applicants a few more weeks to develop Initial Proposals; and
2. As with the Final Application, there is a completeness review during the Initial Proposal phase, which benefits both applicants and Initial Proposal evaluators by ensuring that only completed Initial Proposals are submitted.

Staff believes these slight but important adjustments will allow for higher quality applications during the next application cycle. One scenario that staff would need to address is if any appeal to the Board of Education from a Commission denial of a current application still is pending by the time the earlier application cycle commences, and if that same applicant also were preparing to resubmit an application for the new cycle, there would need to be guidelines as to communications between the applicant and staff. Should such a scenario arise, staff is prepared to establish such guidelines.

Further, Applications Committee members suggested that the recommendations on the Initial Proposals come from the Committee rather than the full Commission to eliminate the need for a Commission meeting, especially since applicants ultimately decide whether to proceed to submit Final Applications or to voluntarily withdraw from the application cycle regardless of the Commission's recommendation. However, staff advises against this for several reasons.

First and foremost, the Commission cannot delegate authority to its committees to take action on behalf of the Commission because any action of the Commission requires a majority vote in the affirmative to be valid, pursuant to law. Therefore, any recommendation from the Applications Committee would not be a recommendation from the Commission.

A decision from a committee does not hold the same weight as a decision from the full Commission even if that decision is simply a recommendation. A committee recommendation to withdraw voluntarily is not reflective of the opinion of the full Commission, and the applicant may not consider such a recommendation as seriously, perhaps relying on the full Commission seeing things differently than the Committee. In a different scenario, the Committee could recommend that an applicant proceed even though the Initial Proposal Recommendation Report notes substantial inadequacies, which the full Commission may believe instead warrants a recommendation to withdraw. In either case, a recommendation from the full Commission is more legitimate than one from the Committee.

As a related point, the application process should be as open and transparent as possible, partly to protect any Commission decision to deny an application from being remanded or overturned by an appeal ruling but also so that applicants feel as though the Commission gave them a fair opportunity. If the Committee were to make the final Initial Proposal recommendations, applicants would no longer have an opportunity to interface with the full Commission during the Initial Proposal phase.

Staff believes there are other ways to streamline the process for Initial Proposal recommendations without removing the full Commission's role at this stage. For example, the Applications Committee can receive the detailed presentations on the Initial Proposal Recommendation Reports, vet the recommendations and testimony, and deliberate as usual, but the Committee could offer its recommendation to the full Commission based on the Committee's deliberations and without the detailed presentation from staff so as to not repeat the process conducted at the committee level. However, the Commission does not need to decide this for the purposes of the recommendation to adopt a general application cycle timeline laid out in this submittal. Staff will come before the Commission with a more refined timeline at a later date, at which time process details may be finalized.

Improving the application process as much as possible for the next cycle is especially important because of the second recommendation.

Because of the staff concerns about the feasibility of simultaneously running the contract renewal process for all schools and an applications process, staff recommended, and the Applications Committee agrees, that the Commission forgo accepting and evaluating charter applications during what would be the 2016-2017 application cycle. This is an important decision to make prior to the next application cycle so that any prospective applicants looking at applying during the next few years are aware of the one-year hiatus.

While much improved, the application process still demands very significant staff time. Staff anticipates that the charter contract renewal process will require significantly more time, especially since 1) it is required of all existing charter schools and 2) it will be the first time the Commission conducts the process. Staff does not believe it is feasible to run both the application and the contract renewal processes at the same time. Exhibit B illustrates the already overlapping timeframes of the current application cycle, the 2015-2016 application cycle, and the charter contract renewal process.

The Applications Committee tasked staff to develop a communication plan for the 2016-2017 application hiatus. Subsequent to Commission approval of a hiatus, staff will immediately notify stakeholders and prospective applicants through the Commission's weekly e-newsletter, its application cycle mailing list, and its website. In addition, staff will create a news release. Lastly, the next RFP will include information about the hiatus, and staff will be sure to inform any prospective applicants that attend the application orientations.

V. RECOMMENDATION

Motions from the Committee:

"Moved that the proposed general application timeline for the 2015-2016 charter application cycle, as presented in the submittal dated [June 18], 2015, be adopted and that staff be

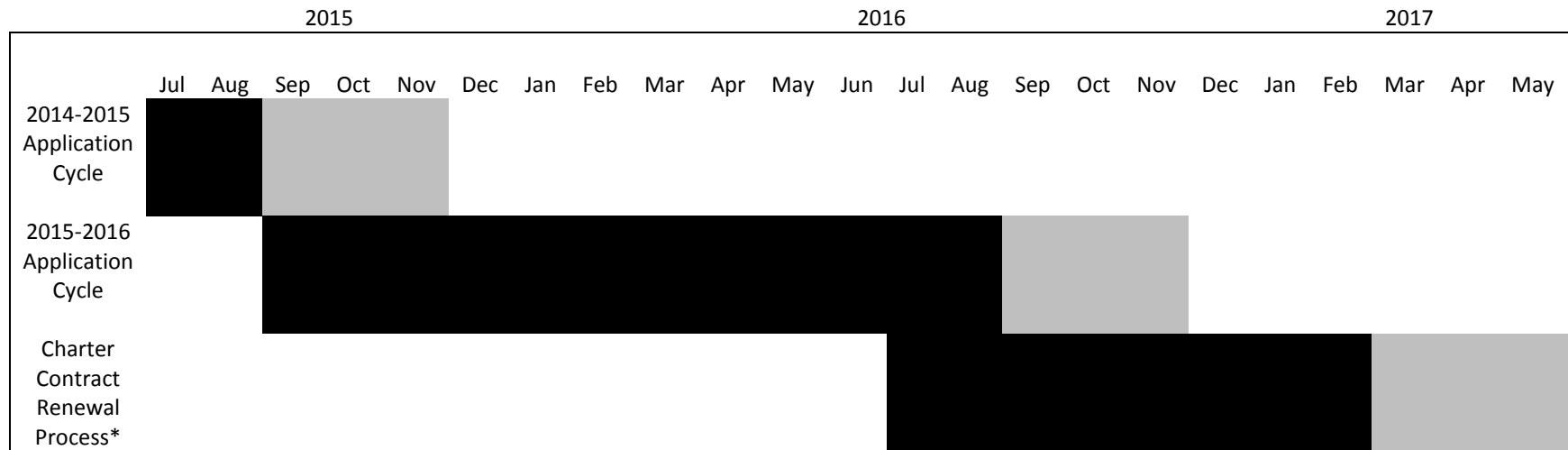
authorized to finalize the details of the process and timeline for future approval by the Commission.”

“Moved that the Commission forgo what would be the 2016-2017 charter application cycle.”

Exhibit A
2015-2016 Application Cycle Estimated Timeline

Mid-September 2015	Pre-Request for Proposals (“RFP”) Orientation
Mid-September 2015	Release of RFP, which calls for applicants to submit an Initial Proposal and a Final Application
Late September 2015	Initial Proposal Orientation
Early October 2015	Deadline for prospective applicants to submit Intent to Apply Packets
Early October 2015	Prospective applicants are notified of their eligibility to submit an Initial Proposal
Mid-November 2015	Deadline for eligible applicants to submit Initial Proposals
Late November 2015	Applicants receive Notifications of Completeness
Late November 2015	Deadline for applicants to submit missing information (if applicable)
Late November – Late December 2015	Initial Proposals review window
Mid-January 2016	Applications Committee Meeting and Commission General Business Meeting on Initial Proposal Recommendation Reports and decision on whether to recommend that the applicant submit a Final Application
Mid-January 2016	Applicants receive Commission’s recommendation on whether to proceed or voluntarily withdraw
Mid-January 2016	Deadline for applicants to submit intentions to proceed
Late January 2016	Final Application Orientation
Early March 2016	Deadline for proceeding applicants to submit Initial Proposal Amendment and Final Applications
Mid-March 2016	Applicants receive Notifications of Completeness
Mid-March 2016	Deadline for applicants to submit missing information (if applicable)
Mid-March to Mid-April 2016	Final Application initial evaluation window
Late April 2016	Evaluation Team interviews applicants
Mid-May 2016	Requests for Clarification are distributed to applicants
Late May 2016	Deadline for applicants to submit Clarification Packets
Early June 2016	Commission holds public hearing on charter school applications
Mid-June 2016	Applicants receive Final Application Recommendation Reports
Early July 2016	Deadline for applicants to submit written responses to Final Application Recommendation Reports
Late July 2016	Application Committee Meeting on Final Application decisions
Mid-August 2016	Commission General Business Meeting on Final Application decisions
Mid-August 2016	Applicants are notified of the Commission’s decision
August 2016 to July 2017	New charter school start-up period for approved applications
July 2017	Opening of new charter school

Exhibit B
Gantt Chart of Application Cycles and Charter Contract Renewal Process



Gray area indicates appeals period.

*Charter Contract Renewal Process begins with the release of the Preliminary School Performance Reports.